

## REMARKS

Claims 1, 3, 15, and 16 have been amended to clarify the subject matter recited therein. Claims 18-27 have been canceled as being directed to a non-elected invention. No new matter has been added or no new issue has been raised. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

### Response to Arguments

The Office Action states, among other things, "In response to applicant's argument that Tomoyasu does not teach that high frequency power is supplied at multiple positions at the same time or simultaneously, examiner states that claim 1 does not recite any such limitation." *Office Action* at page 3, paragraph 2. In light of the above statement, claim 1 has been amended to include "simultaneously".

Tomoyasu (US7153387) states:

When the high frequency electric power is fed to the opposite surface to a surface of the first electrode facing the second electrode to form plasma, **the feeding position is moved** on the feeding plane. Therefore, no interference is caused unlike a case where a high frequency electric power is fed from the center of the electrode, so that it is possible to **prevent standing waves caused by the interference action** from being formed. For example, **by shifting and rotating the feeding position** from the center of the electrode, a position at which the field intensity is high moves, so that the field intensity is equalized. Therefore, the field distribution on the plasma contact surface of the first electrode can be uniform, so that the density of plasma can be uniform. *Tomoyasu* at col. 12, lines 20-33, emphasis added. *See also* col. 12, lines 37-67.

In Tomoyasu, the density of plasma can be made more uniform by shifting and rotating the feeding positions (by preventing standing waves caused by the interference action). In Tomoyasu, due to the controller 72 which sequentially switches the switching elements 71 in Fig. 9 (col. 12, lines 37-67), the device is not capable of "transmitting radio-frequency power from the radio-frequency power source **simultaneously** to the multiple supply points" as recited in claim 1.

"A reference may be said to **teach away** when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *Optivus Technology, Inc. v. Loma Linda University Medical Center* (469 F.3d 978 (2006 U.S. App.)). Tomoyasu teaches

away from the configuration of “transmitting radio-frequency power from the radio-frequency power source simultaneously to the multiple supply points” recited in claim 1 because Tomoyasu specifically teaches shifting and rotating the feeding position to prevent standing waves caused by the interference action, and thus the ordinary skilled artisan would be discouraged from simultaneously transmitting to the multiple supply points.

At least in view of the above, upon the entry of the amendments to claim 1, the rejection of claim 1 based on the teaching of Tomoyasu should be moot. Claims 15 and 16 have been amended to recite limitations similar to that in claim 1, and thus for similar reasons, the rejections of claims 15 and 16 should be moot. The remaining claims depend from either claim 1, 15, or 16, and at least for this reason, the rejections of the remaining claims also should be moot.

Rejection of Claims 1-6, 9, 14-17, 28-30 Under 35 U.S.C. § 103

Claims 1-6, 9, 14-17, 28-30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomoyasu in view of Murata and Ito.

As discussed above, upon the entry of the amendments, the rejections based on the teaching of Tomoyasu, including this rejection, should be moot.

Rejection of Claim 7 Under 35 U.S.C. § 103

Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomoyasu in view of Murata and Ito and further in view of Blonigan.

As discussed above, upon the entry of the amendments, the rejections based on the teaching of Tomoyasu, including this rejection, should be moot.

Rejection of Claim 8 Under 35 U.S.C. § 103

Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomoyasu in view of Murata and Ito and further in view of McGaffigan.

As discussed above, upon the entry of the amendments, the rejections based on the teaching of Tomoyasu, including this rejection, should be moot.

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Rejection of Claim 11 Under 35 U.S.C. § 103

Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomoyasu in view of Murata, Ito, and Blonigan and further in view of McGaffigan.

As discussed above, upon the entry of the amendments, the rejections based on the teaching of Tomoyasu, including this rejection, should be moot.

Rejection of Claims 12, 13 Under 35 U.S.C. § 103

Claims 12 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomoyasu in view of Murata and Ito and further in view of DeOrnellas.

As discussed above, upon the entry of the amendments, the rejections based on the teaching of Tomoyasu, including this rejection, should be moot.

**CONCLUSION**

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

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By: \_\_\_\_\_

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